

### **REMARKS**

Claims 1, 3, 4, 6-17, 20-26, 29, 34, 36-48 are pending in the Application, of which claims 1, 24, 25, 26, 34, 36, 37, 38, 39, 40, 42, 47 are independent. Claims 2, 5, 18, 19, 27, 28, 30-33 and 35 had been previously canceled. No new matter was added.

Applicants respectfully urge that all of the claims are patentable and in condition for allowance.

#### **I. Interview with the Examiner**

Applicants thank the Examiner for the courtesy of extending a telephonic interview on September 30, 2008. During the interview Applicants' representatives argued that the Fitzpatrick reference does not disclose or suggest each and every element of pending claims. Applicants specifically argued that Fitzpatrick discusses changes to graphical attributes of graphical objects, such as changes in font, color, text appearance, hue, brightness, etc. In contrast, the Applicants claim a characteristic of a source block *being at least one of a functional attribute, a compiled attribute, an execution data field, a block method or a block parameter*. As further argued below, Fitzpatrick is silent with respect to at least this claim feature. The Examiner indicated that he will review Fitzpatrick in light of the arguments presented during the interview.

#### **II. Summary of Rejections**

In the Office Action:

claims 26 and 29 were rejected under 35 U.S.C. § 101 because the Examiner believes these claims are directed to non-statutory subject matter;

the specification was objected to because the Examiner believes the phrase "computer readable medium" does not have proper antecedent basis;

claims 1, 3-4, 9-13, 23-24, 26, 29, 36-39 and 42-44 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,877,138 to Fitzpatrick et al. (hereafter "Fitzpatrick");

claims 8, 25 and 34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fitzpatrick in view of U.S. Patent No. 6,407,753 to Budinsky et al. (hereafter “Budinsky”);

claims 7 and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fitzpatrick in view of U.S. Patent No. 6,070,006 to Iriuchijima (hereafter “Iriuchijima”);

claims 6, 16-17 and 20-22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fitzpatrick in view of U.S. Patent No. 6,195,092 to Dhond (hereafter “Dhond”);

claims 14 and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fitzpatrick in view of U.S. Patent No. 6,300,949 to Shudo et al. (hereafter “Shudo”);

claims 40 and 41 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fitzpatrick in view of U.S. Patent No. 6,738,964 to Zink et al. (hereafter “Zink”);

claim 45 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Fitzpatrick in view of U.S. Patent Publication No. 2003/0132964 by Santori (hereafter “Santori”);

claim 46 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Fitzpatrick in view of U.S. Patent Publication No. 2003/0132964 by Singh (hereafter “Singh”); and

claims 47 and 48 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fitzpatrick in view of U.S. Patent Publication No. 2002/0069400 by Miloushev et al. (hereafter “Miloushev”).

These rejections are discussed below.

### III. Objections to the Specification

In the Office Action, the Examiner objected to the Specification because the Examiner believes the phrase “computer-readable medium” does not have a proper antecedent basis in the specification. Applicants respectfully traverse this objection.

Applicants submit that the Specification recites “computer-readable storage” and “storage” at page 45, lines 7-22. Cited sections of the Specification provide that the electronic device may include primary storage and secondary *storage for storing data and instructions*.

Cited sections of the Specification further provide that the electronic device may be a personal *computer*, laptop *computer*, workstation and the like. The “storage” cited in the Specification is similar to a “medium” cited in the pending claims. Applicants respectfully submit that the cited sections of the Specification provide a proper antecedent basis for the terms “computer-readable medium” and “medium”.

Accordingly, Applicants respectfully request that the Examiner withdraw the above objection to the specification.

#### IV. Claim rejections under 35 U.S.C. § 101

In the Office Action, the Examiner rejected claims 26 and 29 under 35 U.S.C. § 101 because the Examiner believes the claimed invention is directed to non-statutory subject matter. Applicants respectfully traverse this rejection.

Applicants’ claims 26 and 29 are directed to an apparatus. Applicants respectfully urge that an apparatus is statutory subject matter according to 35 U.S.C. § 101. Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the rejection to claims 26 and 29.

#### V. Claim Rejections under 35 U.S.C. § 102(e)

In the Office Action, claims 1, 3-4, 9-13, 23-24, 26, 29, 36-39 and 42-44 were rejected under 35 U.S.C. § 102(e) as being anticipated by Fitzpatrick. Applicants respectfully traverse this rejection.

##### A. Claims 1, 3-4, 9-13 and 23

Applicants respectfully urge that Fitzpatrick does not disclose at least the following feature of claim 1: *selecting at least one characteristic of a source block in a block diagram, said selected at least one characteristic being at least one of a functional attribute, a compiled attribute, an execution data field, a block method or a block parameter.*

As indicated by the Examiner, Fitzpatrick discusses selecting attributes of a target object and transferring a selected subset of the source object attributed to the selected target. See

Fitzpatrick, Col. 2, lines 19-29. However, the “attributes” of Fitzpatrick are graphical attributes such as font, emphasis, line thickness, background, colors, etc. See Fitzpatrick, Col. 3, lines 45-51 and Figure 6, reference numeral 15. Fitzpatrick’s graphical attributes are not the same thing as Applicants’ claimed “characteristics of a source block”, which is included in Applicants’ claim 1.

Claim 1 provides selecting at least one of *a functional attribute, a compiled attribute, an execution data field, a block method or a block parameter*. Applicants respectfully urge that none of these characteristics are graphical, e.g. visual, characteristics of a block, as described by Fitzpatrick. For example, **a functional attribute** may be a block sample time that specifies whether the block corresponds to an elemental, continuous, discrete or hybrid dynamic system. Thus, a functional attribute may affect the dynamics of the model. See Present Application, page 20, lines 1-5. **A compiled attribute** may be created during block diagram compilation and may be equivalent to a functional attribute. See Present Application, page 20, line 24 – page 21, line 3. **An execution data field** may store memory locations that may serve as sources for block inputs, outputs, states, parameters, and other work areas during execution of blocks. See Present Application, page 21, lines 5-8. **A block method** may be a setup method including block start, initialize, enable, and constant output methods. See Present Application, page 15, lines 11-13. **A block parameter** may be, for example, an amplitude of a Sine Wave block or a sample tie of the Sine Wave block. See Present Application, page 28, lines 10-13. As such, *a functional attribute, a compiled attribute, an execution data field, a block method or a block parameter* included in Applicants’ claim 1 are not the same as Fitzpatrick’s graphical attributes that merely affect the appearance of an object that may be displayed. Therefore, Fitzpatrick is does not disclose *selecting at least one characteristic of a source block in a block diagram, said selected at least one characteristic being at least one of a functional attribute, a compiled attribute, an execution data field, a block method or a block parameter*, which is present in claim 1.

Accordingly, Applicants respectfully request that the Examiner withdraw the above §102 rejection of claim 1.

Claims 3-4, 9-13 and 23 depend from claim 1 and, as such, incorporate each and every feature of claim 1. Applicants urge that claims 3-4, 9-13 and 23 are allowable for at least the

reasons discussed above for claim 1. Accordingly, Applicants respectfully request that Examiner withdraw the above § 102 rejection of claims 3-4, 9-13 and 23.

B. Claims 24, 26, 29 and 42-44

Independent claims 24, 26 and 42 include *selecting at least one characteristic of a source block in a block diagram, said selected at least one characteristic being at least one of a functional attribute, a compiled attribute, an execution data field, a block method or a block parameter*. In light of the arguments presented above, Applicants respectfully urge that Fitzpatrick does not disclose at least this feature of claims 24, 26 and 42.

Claim 29 depends from claim 26. Claims 43 and 44 depend from claim 42. Dependent claims incorporate each and every feature of the independent claim upon which they depend. Applicants urge that claims 24, 26, 29 and 42-44 are allowable for at least the reasons discussed above. Accordingly, Applicants respectfully request that Examiner withdraw the above § 102 rejection of claims 24, 26, 29 and 42-44.

C. Claims 36-39

Claim 34 includes *selecting at least one characteristic of a source graphical object in a Unified Modeling Language (UML) diagram*, claim 36 includes *selecting at least one characteristic of a source component in a circuit diagram*, claim 37 includes *selecting at least one characteristic of a source component in a mechanical diagram*, claim 38 includes *selecting at least one characteristic of a source graphical element in a biological diagram* and claim 39 includes *selecting at least one characteristic of a source graphical element in network diagram*. Applicants respectfully urge that Fitzpatrick fails to disclose these features. Moreover, claims 34, 36, 37, 38 and 39 further include *said selected at least one characteristic being at least one of a functional attribute, a compiled attribute, an execution data field, a block method or a block parameter* which, as noted above, is not disclosed by Fitzpatrick.

Therefore, Applicants respectfully urge that Fitzpatrick does not disclose each and every feature of claims 36, 37, 38 and 39. Accordingly, Applicants respectfully request that the Examiner withdraw the above § 102 rejection of claims 36, 37, 38 and 39.

VI. Claim Rejections under 35 U.S.C. § 103(a)A. Claims 8, 25 and 34

In the Office Action, claims 8, 25 and 34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fitzpatrick in view of Budinsky. Applicants respectfully traverse this rejection.

Applicants respectfully urge that Fitzpatrick and Budinsky, taken either, alone or in any reasonable combination, do not disclose or suggest at least the following feature of claim 1: *said selected at least one characteristic being at least one of a functional attribute, a compiled attribute, an execution data field, a block method or a block parameter.*

In light of the arguments presented above, Applicants respectfully urge that Fitzpatrick does not disclose or suggest a *selected at least one characteristic being at least one of a functional attribute, a compiled attribute, an execution data field, a block method or a block parameter*, which is present in Applicants' claims 1, 25 and 34. Budinsky fails at curing the shortcomings of Fitzpatrick with respect to disclosing or teaching this claim feature. Budinsky generally discusses automatic and user guided rule-based matching and reconciliation for integrating one or more entities. *See* Col. 2, lines 56-59. Budinsky further indicates that the matching/reconciliation rules are stored such that they can be recalled and applied during a subsequent editing session when the input entities change or a new composite entity of the inputs is desired. *See* Col. 2, lines 59-63. Nowhere does Budinsky disclose or suggest a *selected at least one characteristic being at least one of a functional attribute, a compiled attribute, an execution data field, a block method or a block parameter.*

For at least the reasons set forth above, the Applicants respectfully urge that Fitzpatrick and Budinsky, taken either alone or in any reasonable combination do not disclose or suggest a *selected at least one characteristic being at least one of a functional attribute, a compiled attribute, an execution data field, a block method or a block parameter*, which is present in claims 1, 25 and 34.

Claim 8 depends from claim 1 and, as such, incorporates each and every feature of claim 1. Thus, Applicants respectfully urge that Fitzpatrick and Budinsky, taken either alone or in any reasonable combination, do not disclose or suggest all of the features of claim 8.

Accordingly, Applicants respectfully request that the Examiner withdraw the above §103 rejection of claims 8, 25 and 34.

B. Claims 7 and 21

In the Office Action, claims 7 and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fitzpatrick in view of Iriuchijima. Applicants respectfully traverse this rejection.

Claims 7 and 21 depend from claim 1 and, as such, incorporate each and every feature of claim 1. As discussed above, Fitzpatrick does not disclose or suggest *selecting at least one characteristic of a source block in a block diagram, said selected at least one characteristic being at least one of a functional attribute, a compiled attribute, an execution data field, a block method or a block parameter*, which is present in claims 7 and 21. In addition, Iriuchijima fails to disclose or suggest at least this claim feature.

Iriuchijima discusses an object-oriented programming system which performs equivalent conversion on a class network structure (Abstract). Iriuchijima indicates accepting a range and a mode of equivalent conversion and, based on the range and the mode that were accepted, performing the equivalent conversion on program data representing the contents of a program containing classes (Col. 2, lines 56-60).

Therefore, Applicants respectfully urge that Fitzpatrick and Iriuchijima, taken either singly or in any reasonable combination, fail to disclose or suggest *selecting at least one characteristic of a source block in a block diagram, said selected at least one characteristic being at least one of a functional attribute, a compiled attribute, an execution data field, a block method or a block parameter*, which is present in claims 7 and 21.

Accordingly, Applicants respectfully request that the Examiner withdraw the above rejection of claims 7 and 21 under 35 U.S.C. § 103(a).

C. Claims 6, 16-17 and 20-22

In the Office Action, claims 6, 16-17 and 20-22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fitzpatrick in view of Dhond. Applicants respectfully traverse this rejection.

Claims 6, 16-17 and 20-22 depend from claim 1 and, as such, incorporate each and every feature of claim 1. As noted above, Fitzpatrick does not disclose or suggest ***selecting at least one characteristic of a source block in a block diagram, said selected at least one characteristic being at least one of a functional attribute, a compiled attribute, an execution data field, a block method or a block parameter***, which is present in claims 6, 16-17 and 20-22. Dhond fails to disclose or suggest at least this claim feature.

Dhond discusses editing and archiving attribute values of the graphical objects; changing the attributes of individual graphical objects displayed in the log graphics presentation; selectively updating the attributes of associated graphical objects; automatically applying the changed attribute values to all the selected graphical objects within the presentation editor display; and archiving the graphical objects and their attributes to create new log graphic presentations or to add to other log graphic presentations, (Abstract).

Therefore, Applicants respectfully urge that Fitzpatrick and Dhond, taken either singly or in any reasonable combination, do not disclose or suggest ***selecting at least one characteristic of a source block in a block diagram, said selected at least one characteristic being at least one of a functional attribute, a compiled attribute, an execution data field, a block method or a block parameter***, which is present in claims 6, 16-17 and 20-22.

Accordingly, Applicants respectfully request that the Examiner withdraw the above rejection of claims 6, 16-17 and 20-22 under 35 U.S.C. § 103(a).

D. Claims 14 and 15

In the Office Action, claims 14 and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fitzpatrick in view of Shudo. Applicants respectfully traverse this rejection.



Claims 14 and 15 depend from claim 1 and, as such, incorporate each and every feature of claim 1. As discussed above, Fitzpatrick does not disclose or suggest *selecting at least one characteristic of a source block in a block diagram, said selected at least one characteristic being at least one of a functional attribute, a compiled attribute, an execution data field, a block method or a block parameter*, which is present in claims 14 and 15. Shudo fails to disclose or suggest at least this claim feature.

Shudo discusses an information processor which stores and manages objects with attribute information added to the objects. When an object is selected, the attribute information of the object is stored in a storage medium. In response to a command issued for copying the selected attribute information, the attribute information stored in the storage medium is added to another object. The same attribute information can be added to a different object, (Abstract).

Therefore, Applicants respectfully urge that Fitzpatrick and Shudo, taken either singly or in any reasonable combination, do not disclose or suggest *selecting at least one characteristic of a source block in a block diagram, said selected at least one characteristic being at least one of a functional attribute, a compiled attribute, an execution data field, a block method or a block parameter*, which is present in claims 14 and 15.

Accordingly, Applicants respectfully request that the Examiner withdraw the above rejection of claims 14 and 15 under 35 U.S.C. § 103(a).

#### E. Claims 40 and 41

In the Office Action, claims 40 and 41 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fitzpatrick in view of Zink. Applicants respectfully traverse this rejection.

Claim 41 depends from claim 40 and, as such, incorporates each and every feature of claim 40. Claim 40 includes *selecting at least one characteristic of a source block in a block diagram, said selected at least one characteristic being at least one of a functional attribute, a compiled attribute, an execution data field, a block method or a block parameter* which, as noted above, is not disclosed or suggested by Fitzpatrick. Zink fails to disclose or suggest at least this claim feature.

Zink discusses a graphical solutions development system using placement of blocks representing hardware/software functionality on a computer screen drawing and connecting the blocks by wires representing data and control flow to create application programs and/or hardware design. The blocks are instances of development components that include intelligence for optimization within a detected environment, (Abstract).

Therefore, Applicants respectfully urge that Fitzpatrick and Zink, taken either singly or in any reasonable combination, do not disclose or suggest *selecting at least one characteristic of a source block in a block diagram, said selected at least one characteristic being at least one of a functional attribute, a compiled attribute, an execution data field, a block method or a block parameter*, which is present in claims 40 and 41.

Accordingly, Applicants respectfully request that the Examiner withdraw the above rejection of claims 40 and 41 under 35 U.S.C. § 103(a).

#### F. Claim 45

In the Office Action, claim 45 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Fitzpatrick in view of Santori. Applicants respectfully traverse this rejection.

Claim 45 depends from claim 42 and, as such, incorporates each and every feature of claim 42. As noted above Fitzpatrick does not disclose or suggest *selecting at least one characteristic of a source block in a block diagram, said selected at least one characteristic being at least one of a functional attribute, a compiled attribute, an execution data field, a block method or a block parameter*, which is present in claim 45. Santori fails to disclose or suggest at least this claim feature.

Santori discusses a first graphical program modeling a product being designed and a second graphical program performing a measurement function. The first graphical program may be deployed on a target device for execution. The target device may be coupled to a physical system. The first graphical program may be executed on the target device to simulate operation of the product. The second graphical program may be executed to measure characteristics of the operation of the physical system and/or characteristics of the operation of the product, (Abstract).

Therefore, Applicants respectfully urge that Fitzpatrick and Santori, taken either singly or in any reasonable combination, do not disclose or suggest *selecting at least one characteristic of a source block in a block diagram, said selected at least one characteristic being at least one of a functional attribute, a compiled attribute, an execution data field, a block method or a block parameter*, which is present in claim 45.

Accordingly, Applicants respectfully request that the Examiner withdraw the above rejection of claim 45 under 35 U.S.C. § 103(a).

#### G. Claim 46

In the Office Action, claim 46 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Fitzpatrick in view of Singh. Applicants respectfully traverse this rejection.

Claim 46 depends from claim 42 and, as such, incorporates each and every feature of claim 42. As noted above Fitzpatrick does not disclose or suggest *selecting at least one characteristic of a source block in a block diagram, said selected at least one characteristic being at least one of a functional attribute, a compiled attribute, an execution data field, a block method or a block parameter*, which is present in claim 42. Likewise, Singh does not disclose or suggest this claim feature.

Singh discusses an interface for enabling changes to parameter values of at least one of the graphical blocks to be made by and accepted from the user. The changes are applied to the graphical class instance to produce a graphical class instance that inherits structure from the library graphical class, (Abstract).

Therefore, Applicants respectfully urge that Fitzpatrick and Singh, taken either taken either singly or in any reasonable combination, do not disclose or suggest *selecting at least one characteristic of a source block in a block diagram, said selected at least one characteristic being at least one of a functional attribute, a compiled attribute, an execution data field, a block method or a block parameter*, which is present in claim 46.

Accordingly, Applicants respectfully request that the Examiner withdraw the above rejection of claim 46 under 35 U.S.C. § 103(a).

H. Claims 47 and 48

In the Office Action, claims 47 and 48 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fitzpatrick in view of Miloushev. Applicants respectfully traverse this rejection.

Claim 48 depends from claim 47 and, as such, incorporates each and every feature of claim 47. As noted above, Fitzpatrick does not disclose or suggest *selecting at least one characteristic of a source block in a block diagram, said selected at least one characteristic being at least one of a functional attribute, a compiled attribute, an execution data field, a block method or a block parameter*, which is present in claims 47 and 48. Miloushev fails to disclose or suggest at least this claim feature.

Miloushev describes a system of reusable software parts for designing and constructing software components, applications and systems by assembly. Miloushev's system includes a dynamic container for software parts which supports integration of dynamically changing sets of parts into statically defined structures of parts, (Abstract).

For the reasons set forth above, Applicants respectfully urge that Fitzpatrick and Miloushev, taken either singly or in any reasonable combination, do not disclose or suggest each and every feature of claims 47-48. Accordingly, Applicants respectfully request that the Examiner withdraw the above rejection of claims 47-48 under 35 U.S.C. § 103(a).

**CONCLUSION**

In view of the above comments, Applicants believe the pending application is in condition for allowance and urges the Examiner to pass the claims to allowance. Should the Examiner feel that a teleconference would expedite the prosecution of this application, the Examiner is urged to contact the Applicants' attorney at (617) 227-7400.

Please charge any shortage or credit any overpayment of fees to our Deposit Account No. 12-0080, under Order No. MWS-033RCE. In the event that a petition for an extension of time is required to be submitted herewith, and the requisite petition does not accompany this response, the undersigned hereby petitions under 37 C.F.R. § 1.136(a) for an extension of time for as many months as are required to render this submission timely. Any fee due is authorized to be charged to the aforementioned Deposit Account.

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Respectfully submitted,

By: /Neslihan I. Doran/  
Neslihan I. Doran  
Registration No.: L0389  
LAHIVE & COCKFIELD, LLP  
One Post Office Square  
Boston, Massachusetts 02109-2127  
(617) 227-7400  
(617) 742-4214 (Fax)  
Attorney/Agent For Applicant